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DATE: April 11, 2008

PTO IDENTIFIER: Application Number 10/714,858-Conf. #3722
Patent Number 7,341,882 B2

Inventor: Bor-Jen WU

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: BIRCH, STEWART, KOLASCH & BIRCH, LLP

Paul C. Lewis

PHONE: (703) 205-8000

Attorney Dkt. #: 4444-0275PUS1

PAGES (Including Cover Sheet): 6

CONTENTS: Request for a Refund (3 pages)
Assertion of Small Entity Status (1 pages)
Certificate of Transmission (1 page)

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Applicallon No. (if known): 10/714,858

Attorney Docket No.: 4444-0275PUS1

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Request for a Refund (3 pages)
Assertion of Small Entity Status (1 pages)

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APR 11 2008

MS 16
Docket No.: 4444-0275PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bor-Jen WU

Application No.: 10/714,858

Filed: November 18, 2003

For: METHOD FOR FORMING AN OPTO-
ELECTRONIC DEVICE

Confirmation No.: 3722

Art Unit: 2891

Examiner: C. Everhart

**ATTENTION: Refund Section
Accounting Division
OFFICE OF FINANCE**

REQUEST FOR A REFUND
(IMPROPER FEES PAID - SMALL ENTITY PREVIOUSLY ESTABLISHED)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following documentation and remarks are respectfully submitted in connection with the above-identified application.

DOCUMENTATION

Attached hereto is:

- ☒ a copy of written assertion of small entity status filed on April 10, 2008; and/or
- ☐ a copy of an executed Statement Claiming Small Entity Status (37 C.F.R. § 1.9(f) and 1.27) - Small Business Concern filed on April 10, 2008.

Birch, Stewart, Kolasch & Birch, LLP

PCL/lab

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APR 11 2008

Application No.: 10/714,858

Docket No.: 4444-0275PUS1

REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Issue Fee paid on January 28, 2008. Small entity status was established prior to payment of this fee by the filing of a written assertion/statement on November 18, 2003. Applicant's paid the Issue Fee on January 16, 2008 as Small Entity. However, on January 28, 2008, Applicants filed a Notification of Erroneous Payment of Small Entity Fees and paid an additional fee of \$720.00. It is now found that this January 28, 2008 filing was submitted in error and Applicants respectfully request a refund of the \$720.00 paid in error since Applicants are entitled to Small Entity Status. Applicants are again submitting an Assertion of Small Entity status concurrently herewith.

Under 37 C.F.R. § 1.26(b), any request for a refund which is not based upon subsequent entitlement to small entity status must be filed with a two-year nonextendable time limit.

The Issue Fee in the amount of \$720.00 was paid on January 28, 2008. It is respectfully requested that the excess fee of \$720.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

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APR 11 2008

Application No.: 10/714,858

Docket No.: 4444-0275PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 11, 2008

Respectfully submitted,

By 

Paul C. Lewis

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Attorney for Applicant

Attachment(s)

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APR 11 2008

Docket No.: 4444-0275PUS1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bor-Jen WU

Application No.: 10/714,858

Filed: November 18, 2003

For: METHOD FOR FORMING AN OPTO-
ELECTRONIC DEVICE

Confirmation No.: 3722

Art Unit: 2891

Examiner: C. Everhart

ASSERTION OF SMALL ENTITY STATUSMS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application qualifies for small entity status. This written assertion of small entity status should satisfy the requirements of 37 C.F.R. § 1.27.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: April 11, 2008

Respectfully submitted,

By 

Paul C. Lewis

Registration No.: 43,368

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Attorney for Applicant

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PCL/lab

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Docket No.: 4444-0275PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bor-Jen WU

Application No.: 10/714,858

Filed: November 18, 2003

For: METHOD FOR FORMING AN OPTO-
ELECTRONIC DEVICE

Confirmation No.: 3722

Art Unit: 2891

Examiner: C. EVERHART

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OFFICE OF PETITIONS

**NOTIFICATION OF ERRONEOUS PAYMENT OF SMALL ENTITY FEES UNDER 37
C.F.R. § 1.28 AND LOSS OF ENTITLEMENT OF SMALL ENTITY STATUS UNDER 37**

C.F.R. § 1.27(G)(2)

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Commissioner for Patents 02/06/2008 DALLIN 00000007 022448 10714858
P.O. Box 1450 01 FC:1461 720.00 CR
Alexandria, VA 22313-1450

Sir:

It is respectfully noted that the above-identified application no longer qualifies for small entity status under 37 C.F.R. § 1.27(a).

Small entity status was established with the filing of the application on November 18, 2003, and the small entity filing fees were properly paid. However, after the application was filed but prior to payment of the issue fee, the status of the assignee changed. The application therefore did not qualify for small entity status at the time the issue fee was paid.

It is therefore respectfully requested that the error be excused. The following items are being submitted to comply with the requirements of 37 C.F.R. 1.28(c):

- (1) Separate submission for each application or patent.

This request is being submitted in connection with U.S. Application No. 10/714,858.

Birch, Stewart, Koloson & Birch, LLP

KM/ASC/